

MOSES KOTANE LOCAL MUNICIPALITY



LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES ACT NO. 6 OF 2004 MUNICIPAL PROPERTY RATES BY-LAW

The Moses Kotane Local Municipality, hereby, in terms of section 6 of the Local Government: Municipal Property Rates Act, 2004, has by way of (151/05/2026) adopted the Municipality's Property Rates By-law set out hereunder.

Original Council Approval		Amended
Date of Council Approval	03/06/2026	No
Resolution Number	151/05/2026	
Effective Date	1 July 2026	

MOSES KOTANE LOCAL MUNICIPALITY

MUNICIPAL PROPERTY RATES BY-LAW

PREAMBLE

WHEREAS section 229(1) of the Constitution requires a municipality to impose rates on property and surcharges on fees for the services provided by or on behalf of the municipality;

AND WHEREAS section 13 of the Municipal Systems Act read with section 162 of the Constitution requires a municipality to promulgate municipal by-laws by publishing them in the gazette of the relevant province;

AND WHEREAS section 6 of the Local Government: Municipal Property Rates Act, 2004 requires a municipality to adopt by-laws to give effect to the implementation of its property rates policy; the by-laws may differentiate between the different categories of properties and different categories of owners of properties liable for the payment of rates.

NOW THEREFORE IT IS ENACTED by the Council of the Moses Kotane Local Municipality, as follows:

1. DEFINITIONS

In this By-law, any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), shall bear the same meaning unless the context indicates otherwise-

'Municipality' means the Moses Kotane Local Municipality;

'Municipal Property Rates Act' means the Local Government: Municipal Property Rates Act, 2004 (Act No 6 of 2004);

'Rates Policy' means the Municipality's property rates policy adopted by the Council by Resolution No. 129/05/2021 in terms of section 3(1) of the Local Government: Municipal Property Rates Act, 2004.

Residential Property means a property of which the primary use is for residential purposes, without derogation from section 9 of the MPRA.

For Clarity, the following properties are specifically excluded from the definition.

- Guest house/ bed and breakfast
- Any vacant land irrespective of its zoning or intended use.

2.5 **"Non- Residential Property"** means all properties other than those defined as residential but excluding all vacant land

"agricultural purposes" refers to the active pursuit, for primary generation of income, of farming activity;

"bona fide farmer" is a person that is fulltime farmer and if such land is used *bona fide* and exclusively by the owner or occupier for agricultural purposes;

"chief financial officer" means a person designated in terms of section 80(2) (a) of the Local Government: Municipal Finance Management Act 56 of 2003.

"Council" means-

(a) the Moses Kotane Local Municipality established in terms of as section 12 of the Local Government: Municipal Structures Act, 117 of 1998, as amended, exercising its legislative and executive authority through its municipal Council; or

(b) its successor in title; or

(c) a structure or person exercising a delegated power or carrying out an instruction, where any power in this policy has been delegated or subdelegated, or an instruction given, as contemplated in section 59 of the Systems Act,

(d) in respect of ownership of property, rateability and liability for rates, a service provider fulfilling a responsibility assigned to it,
(e) through a service delivery agreement in terms of section 81(2) of the Systems Act or any other law, as the case may be;

“due date” means the date specified as such on a municipal account dispatched from the offices of the responsible officer for any rates payable and which is the last day allowed for the payment of such rates;

“exclusion” in relation to a municipality's rating power, means a restriction of that power as provided for in Section 17 of the Act;

“exemption” in relation to the payment of a rate, means an exemption granted by the Municipality in terms of Section 15 of the Act;

“dwelling” means a house designed to accommodate a single core family, including the normal outbuildings associated therewith;

“farm property” refers to property that is used productively for agricultural and farming purposes, either on a full-time or a part time basis, regardless of whether or not agriculture forms the principal source of income;

“financial year” means any period commencing on 01 July of a calendar year and ending on 30 June of the next succeeding calendar year;

“land tenure right” means an old order right or a new order right as defined in section 1 of the Communal Land Rights Act, 2004 (Act 11 of 2004);

[Definition of 'land tenure right' substituted by s. 24 (a) of Act 19 of 2008.]

“market value” in relation to a property, means the value of the property determined in accordance with Section 46 of the Act;

“multiple-use property” refers to property where there is a combination of different categories of property on the same registered property .

“MEC for local government” means the member of the Executive Council of a province who is responsible for local government in that province;

“Minister” means the Cabinet member responsible for local government;

“Municipal Systems Act” means the Local Government: Municipal Systems Act, No 32 of 2000;

“Municipal valuer” means a person designated as a municipal valuer in terms of section 33(1);

“owner” means:-

a) in relation to a property referred to in paragraph (a) of the definition of 'property', a person in whose name ownership of the property is registered;

b) in relation to a right referred to in paragraph (b) of the definition of 'property', a person in whose name the right is registered;

c) in relation to a land tenure right referred to in paragraph (c) of the definition of 'property', a person in whose name the right is registered or to whom it was granted in terms of legislation; and

d) in relation to public service infrastructure referred to in paragraph (d) of the definition of 'property', the organ of state that owns or controls that public service infrastructure; provided that a person mentioned below may for the purpose of the Act be regarded by a municipality as the owner of a property in the mentioned circumstances:

(i) a trustee in the case of a property registered in the name of the trustee in a trust, excluding state trust land;

(ii) an executor or administrator, in the case of a property in a deceased estate;

(iii) a trustee or liquidator, in the case of a property in an insolvent estate or an estate in liquidation;

(iv) a judicial manager, in the case of a property in the estate of a legal person under judicial management;

(v) a curator, in the case of a property in the estate of a person under curatorship;

(vi) a person in whose name a usufruct or other personal servitude is registered, in the case of a property that is subject to a usufruct or other personal servitude;

(vii) a lessee, in the case of a property that is registered in the name of a municipality and is leased by it to the lessee;

(viii) a buyer, in the case of a property that has been sold by the Municipality and of which possession has been given to the buyer pending registration of ownership in the name of the buyer; or an occupier of a property that is registered in the name of the Municipality.

"municipal property" means property owned, vested or under the control and management of the Council or its service provider in terms of any applicable legislation;

"property" means –

a) immovable property situated within the boundaries of the municipality registered in the name of a person including, in the case of a sectional title scheme, a sectional title unit registered in the name of a person;

b) a right registered against immovable property in the name of a person, excluding a mortgage bond registered against the property;

- c) a land tenure right registered in the name of a person or granted to a person in terms of legislation; or
- d) public service infrastructure;

"Public service purposes", in relation to the use of a property, means property owned and used by an organ of state as-

- Hospitals or clinics;
- Schools, pre-schools, early childhood development centres or further education and training colleges;
- National and provincial libraries and archives;
- Police stations;
- Correctional facilities; or
- Courts of law,

but excludes property contemplated in the definition of 'public service infrastructure'

"protected area" means an area that is or has to be listed in the register referred to in section 10 of the Protected Areas Act;

"rate" means a municipal rate on property envisaged in Section 229(1)(a) of the Constitution;

"ratepayer" means any owner of rateable property as well as any owner of a rateable property held under sectional title, situated within the area of jurisdiction of the Council;

"rateable property" means property on which a municipality may, in terms of Section 2 of the Act, levy a rate, excluding property fully excluded from the levying of rates in terms of Section 17 of the Act;

"rebate", in relation to a rate payable on a property, means a discount granted in terms of Section 15 of the Act on the amount of the rate payable on the property;

"reduction", in relation to a rate payable on a property, means the lowering in terms of Section 15 of the Act of the amount for which the property was valued and the rating of the property at that lower amount;

"Organ of State" means the National Government and the Gauteng Provincial Governments defined in section 239 of the Constitution.

"State trust land" means land owned by the state-

- (a) in trust for persons communally inhabiting the land in terms of a traditional system of land tenure;
- (b) over which land tenure rights were registered or granted; or
- (c) which is earmarked for disposal in terms of the Restitution of Land

Rights Act, 1994 (Act 22 of 1994);

“Vacant land” means any undeveloped land/ erf within a proclaimed township or a land development area and will continue to be rated as vacant until such time as a certificate of occupancy is issued by the Council.

"zoning" means the purpose for which land may lawfully be used or on which buildings may be erected or used, or both, as contained in an applicable town planning scheme and "zoned " has a corresponding meaning. Where a property carries multiple zoning rights, the categorisation of such property will be by apportioning the market value of the property, in a manner as may be prescribed, to the different purposes for which the property is used; an applying the rates applicable to the categories determined by the Municipality for properties used for those purposes to the different market value apportionments.

2. OBJECTS

The object of this By-law is to give effect to the implementation of the Municipality's Rates Policy as contemplated in section 6 of the Municipal Property Rates Act.

3. THE RATES POLICY

The Municipality prepared and adopted a Rates Policy as contemplated in terms of the provisions of section 3(1) of the Municipal Property Rates Act. The Rates Policy outlines the municipality's rating practices; therefore, it is not necessary for this By-law to restate and repeat same.

The Rates Policy is hereby incorporated by reference in this By-law. All amendments to the Rates Policy as the Council may approve from time to time, shall be deemed to be likewise incorporated.

The Municipality does not levy rates other than in terms of its Rates Policy and the annually promulgated resolution levying rates which reflects the cent amount in the Rand rate for each category of rateable property.

The Rates Policy is available at the Moses Kotane Civic Centre, 933 Station Road, Mogwase, 0314, The municipal offices in Madikwe as well as all satellite offices and libraries. It is also available electronically on the municipal website, **www.moseskotane.gov.za**, where members of the public can easily access the Rates Policy because it must be easily accessible to the persons it affects.

4. CATEGORIES OF RATEABLE PROPERTIES

The Rates Policy provides for categories of rateable properties determined in terms of section 8 of the Act.

The Criteria in terms of Section 3 for determining categories of properties for the purpose of levying different rates and for the purpose of granting exemptions will be according to the **use of the property** as contemplated in Section 8(1)(a) of the Act.

Categories of property for the municipality include-

- (a) Residential properties;
- (b) Industrial properties;
- (c) Business and Commercial properties (with and without gambling rights where applicable);
- (d) Agricultural properties;
- (e) Mining properties;
- (f) State-owned properties used for public service purposes;
- (g) Public Service Infrastructure properties;
- (h) Public Benefit Organisations;
- (i) Multiple purpose properties;
- (j) Vacant land;

5. CATEGORIES OF PROPERTIES AND CATEGORIES OF OWNERS OF PROPERTIES

The Rates Policy provides for categories of properties and categories of owners of properties for the purposes of granting relief measures (exemptions, reductions and rebates) in terms of section 15 of the Act.

6. ENFORCEMENT OF THE RATES POLICY

The Municipality's Rates Policy is enforced through the municipality's Credit Control and Debt Collection Policy and any further enforcement mechanisms stipulated in the Act and the Municipality's Rates Policy.

7. SHORT TITLE AND COMMENCEMENT

This By-law is called the Moses Kotane Municipal Property Rates By-law, and takes effect on the date on which it is published in the North West Provincial Gazette.